

REMARKS

Claim 1 has been grammatically amended, and support for this amendment can be found in the original claims.

The claims have been amended to more clearly describe the invention, and no new matter has been introduced.

1. Claim Rejections under 35 USC §102(b)

The Examiner has rejected claim 10 as allegedly anticipated by Sakurai et al. (JP 61000017) (Office Action, page 2). In making this rejection, the Examiner states that Sakurai et al. teaches the application of (a) the same biomaterial to (b) the same tumor site as Applicant (Office Action, page 3). Applicants respectfully submit that the Examiner has mischaracterized Sakurai et al.'s teachings and Applicants' claimed invention. Applicants respectfully traverse.

1(a) The Claimed Biomaterial

In contrast to the Examiner's contentions, **Sakurai et al. teaches cross-linking hyaluronic acid with epoxy compounds** (see Abstract); whereas **Applicants claim hyaluronic acids cross-linked to the same or different hyaluronic acid molecule**. Applicants submit it is well known that epoxy compounds and hyaluronic acid differ in chemical formula and properties. Moreover, it is well known that the cross-linking between hyaluronic acid and epoxy compounds disclosed by Sakurai et al. occurs only through ether bond formation; whereas the cross-linking among hyaluronic acid molecules presently claimed occurs through ester bond formation. It follows that Sakurai et al. fails to teach the presently claimed invention, and the anticipation rejection is improper.

1(b) Treatment of Tumors

Again in contrast to the Examiner's contentions, Sakurai et al. entirely fails to even mention the use of Applicants' claimed compounds in the context of treating and caring for tumors by inhibiting the angiogenic process, as claimed by Applicants. Sakurai et al. only discloses that its biomaterials are useful in cosmetics, in treating retinal detachments, in treating diabetic retinopathy and in healing diseased tissues (column 4, lines 1-60). For this reason as well, Sakurai et al. fails to anticipate the presently claimed invention.

In light of the foregoing discussion of Sakurai et al.'s teachings, Applicants believe the anticipation rejection is improper. Applicants therefore respectfully request the Examiner withdraw this rejection.

2. Claim Rejections under 35 USC §103

The Examiner has rejected claims 11-17 as allegedly obvious over Sakurai et al. (JP 61000017). Applicants respectfully traverse.

As described above, Sakurai et al. fails to teach the presently claimed biomaterials and inhibition of angiogenesis for the treatment and care of tumors. Applicants further call the Examiner's attention to the fact that Sakurai et al. teaches away from the presently claimed invention. In particular, Applicants submit that the epoxide derivatives disclosed by Sakurai: epichlorohydrin, epibromohydrin, and bisphenol A diglycidyl ethers are generally toxic compounds. Moreover, epichlorohydrin causes cancer (see for example the enclosed Haz-Map literature). It follows that Sakurai et al. teaches away from the presently claimed invention of a method for treatment of primary and secondary tumors. For these reasons, Applicants submit that the Examiner has failed to establish a prima facie case for obviousness, and respectfully request the Examiner withdraws this rejection.

In view of the above-discussed amendments and remarks, Applicants respectfully request withdrawal of the rejections and allowance of the claims, which are drawn to novel and nonobvious subject matter.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson (Reg. No. 30,330) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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